



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Ham

Application No: 10/076,164

Filed: February 13, 2002

Title: Ear Clasp Headset

Examiner: Unknown

Art Unit: 2643

Attorney Docket No. 01-7040

**Petition to Make Special Under 37 CFR 1.102(d) and
Incorporated Information Disclosure Statement**

RECEIVED

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAR 24 2004

Technology Center 2600

Sir:

This is a Petition to Make Special the above-identified patent application. The basis for this petition is actual infringement.

In accordance with MPEP 708.02 II and in support of this petition, the undersigned alleges the following:

- I. There is an infringing device or product actually on the market or method in use;
- II. A rigid comparison of the infringing device, product or method with the claims of the application has been made, and in my opinion, some of the claims are unquestionably infringed; and
- III. A search was conducted in class 381, sub-classes 370, 374-376, 380, and 381; class 379, subclasses 430 and 433.01 and class D14, subclasses 205, 206, and 223. Both US and foreign patents were searched in these sub-classes. The search was conducted by John Petrakes. Examiner Huyen Le was consulted in confirming the field of search.

In support of allegations I and II above, enclosed herewith as Appendix I is a news article (OR: press release, etc.) found at www.fashionelectronics.com.

Also submitted herewith on Form PTO-1449 is a listing of documents uncovered in the search noted in allegation III above and deemed most closely related to the subject matter encompassed by the claims. Copies of the documents are submitted herewith.

This statement should not be construed as a representation that additional information material to the examination of this application does not exist or that these references indeed constitute prior art.

The petition fee under 37 CFR §§102(d) and 1.17(h) is believed to be \$130.00 and is enclosed herewith. In the unlikely event that the transmittal letter accompanying this document is separated from this document, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2315 (Order No. 01-7040). The Commissioner is further authorized to charge any

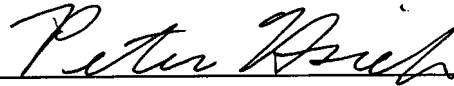
underpayment of any additional fees and/or to credit any overpayment associated with this communication or any future or past communication associated with the subject matter to Deposit Account No. 50-2315.

In view of the above, Applicant requests that the Petition to Make Special be granted and the examination of the application be advanced.

Respectfully submitted,

Date: March 19, 2004

By:



Peter Hsieh

Registration No. 44,780

Plantronics, Inc.
345 Encinal Street
P.O. Box 635
Santa Cruz, CA 95060-0635
Telephone: (831) 458-7758
Facsimile: (831) 426-2965



Fashion Electronics

Factory Direct & Importer of Consumer Electronics & Premium Gifts

WWW.FASHIONELECTRONICS.COM

All Earpieces with 2.5mm universal Plug and on/off switch

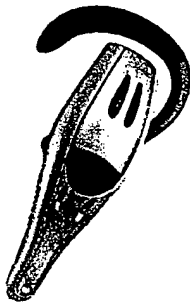
Bluetooth

Wireless Handsfree



Blue Tooth Adaptor

Switch any Cellphone
To bluetooth Phone



FE-418-01



Fe-418-02



FE-418-03



FE-417-1



FE-417-2



FE-417-3

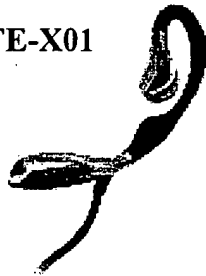


FE-N01

Noise Free Innovation Earpieces



FE-X01



FE- 416-1

FE-416-2

FE- 416-3

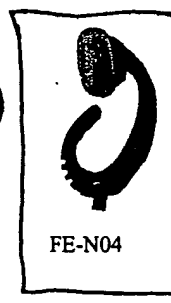
FE- 404-1

FE- 404-2

FE-203



FE-N02



FE-N04



FE-N04B



FE-N05



FE-N03 with Volume Control



PT- 415-1



PT- 415-2



FE-01



FE-02



FE-03



PT- 405-1

Earpieces Adaptor



Samsung
R225/X426/S307



Samsung
S105/V205



Simens C56/A56



Simens S46



Nokia
7210/6610/6100



Sealed Package



Non-sealed Package

Tel: 240-453-9109 Fax: 240-453-9115; 603-3 Dover Rd, Rockville, MD 20850; Email: fashion_electronics@yahoo.com;
Web: www.fashionelectronics.com 01/08/04

THIS PAGE BLANK (USPTO)